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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 48th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 13 April 2000, at 9 p.m.

Chairperson: Mr. Rodríguez Cedeño (Venezuela)

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GE.00-15686 (E)

The meeting was called to order at 9.05 p.m.

SPECIFIC GROUPS AND INDIVIDUALS:

(a) MIGRANT WORKERS

(b) MINORITIES

(c) MASS EXODUSES AND DISPLACED PERSONS

(d) OTHER VULNERABLE GROUPS AND INDIVIDUALS

(agenda item 14) (continued) (E/CN.4/2000/76-79, 80 and Add.1, 81, 82, 83 and Add.1 and 2, 138; E/CN.4/2000/NGO/15, 22, 31, 47 and 58; E/CN.5/2000/3; A/54/303 and 348; E/CN.4/Sub.2/1999/21)

1. Ms. SAITO (Asian Women's Human Rights Council), speaking also on behalf of the Korean Group of Former Internees in Siberia and the All-Japanese Association of Former Internees, appealed to the members of the Commission to take action to defend the rights of Japanese veterans taken prisoner during the Second World War. Japan had a moral and legal responsibility to compensate the victims of its aggression, yet the Japanese Government had so far refused to provide compensation to former prisoners of war for their period of forced labour in Siberia, although it had made concessions to prisoners from other regions.

2. The veterans had sued the Japanese Government in 1981 for compensation and had eventually been issued with labour certificates by the Russian Government, as requested by the court, but their appeal had been rejected. The question of compensation did, however, have international ramifications, as the victims included Koreans and Chinese from Korea conscripted by the Japanese Imperial Army, and it was hoped the case would be concluded within the lifetime of those prisoners of war who were still alive. She therefore called upon the Commission to investigate the violation of the rights of the Siberian prisoners of war, and to make recommendations regarding their compensation.

3. Mr. SARAF (World Muslim Congress) said that India was making a deliberate effort to depict the Kashmiri freedom struggle as fundamentalist and terrorist, mentioning repeatedly in that connection the so-called expulsion of Pandits from Kashmir by the freedom fighters, and it was time to put the record straight once and for all.

4. According to a book by Mr. Sumantra Bose, a noted Indian author, concerning the expulsion, the allegations made were largely a potpourri of fabrication and exaggeration. It was simply impossible for a community with a population of less than 140,000 to have generated the hundreds of thousands of refugees usually quoted, particularly as a sizeable Pandit population continued to live in Kashmiri towns and villages. The respect that Kashmiri Muslims had customarily shown towards Hindu places of worship had, for the most part, endured during the current troubled times, and appeals in the newspapers requesting the Pandits to return warned Muslims against tampering with any property belonging to the Pandits. There was an almost universal conviction among Kashmiri Muslims that the departure of such a large number of

Pandits within such a short period of time had been instigated by the then Governor, Jagmohan, who had taken office for four particularly repressive months in early 1990. Pressure had then been brought to bear and incentives allegedly offered to encourage those people to leave.

5. Hindu, Muslim and Sikh neighbours were united in their resentment of the Indian occupation forces, and the displacement of the Kashmiri Muslims and Pandits should be seen in its proper context as part of the continuing tragedy that had overwhelmed the whole of Kashmir since 1990.

6. Ms. SHAH (Muslim World League) said that although the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities had created obligations for States to promote equal treatment, it had not quite achieved the objective of ensuring that all persons were able to live according to their cultural, social, ethnic or religious principles. Discrimination against minorities in India was an impediment to the implementation of the International Covenant on Civil and Political Rights. With the rise of the extreme right in India, efforts were being made to impose the will of the majority Hindu population on all minorities in the country; as a result, non-Hindus would remain subordinate to the Hindu nation and deprived of citizen's rights unless they adopted the Hindu culture, language and religion.

7. While the safety of the Christian community in India was a cause of concern, the Muslims, India's largest minority, also continued to suffer from poverty, backwardness and illiteracy, with many being massacred in communal riots. Muslims made up 12.6 per cent of India's total population, but their representation in Parliament, State legislatures and administrative services did not reflect that proportion. The percentage of Muslims in the civil and foreign service was almost negligible, and there was a huge disparity between the Hindu majority and Muslim minority in educational institutions.

8. The effective implementation of the 1992 Declaration was essential for the full promotion and protection of human rights, and all States must be made accountable on the basis of the standards provided for in that Declaration. The Commission could not and should not allow such blatant violations to continue.

9. Mr. WARIKOO (Himalayan Research and Cultural Foundation) said that the problem of internal displacement was an enormous human rights challenge, with the number of internally displaced persons currently exceeding 25 million. Although he appreciated the contribution made by the Representative of the Secretary-General on Internally Displaced Persons towards a better knowledge of the problems of internal displacement in various countries of Asia, Africa and Latin America, it appeared that the problems specific to South and Central Asia, where violence against indigenous ethnic and religious minorities had lead to the displacement of thousands of innocent people, had been dealt with in a casual manner in the representative's reports.

10. The forced displacement of the entire Kashmiri Pandit indigenous minority was a classic case of ethnic-religious cleansing with long-term implications for the socio-cultural environment and secular polity in Kashmir. That community, currently in its eleventh year of displacement, had suffered considerable social, psychological and physical harm, due in large part to the loss of

its own territory, cultural heritage and identity. The peoples living near the line of control in Jammu and other areas had faced severe shelling from across the border and had been forced to flee from their homes and live in tents, as minority communities had been ruthlessly displaced.

11. Such violent attempts to re-draw territorial boundaries on the basis of religious extremist identities, ethnic cleansing and the brutal eviction of minorities had become the major cause of forced human displacement in parts of South and Central Asia. Urgent steps should be taken to define the precise legal status of such displaced persons with a view to facilitating an appropriate humanitarian response. The restoration of the displaced persons' homeland, ensuring dignity and freedom of religion, was a prerequisite for peace and security in the region.

12. Mr. GURUNG (World Federation of Democratic Youth) recalled that the Gurkhas were Nepalese nationals, who had been employed as soldiers by the British military since 1816. Approximately 3,000 were currently serving in the British Army, half of whom were actively engaged in United Nations peacekeeping missions in Bosnia and Herzegovina and in East Timor. But despite the sacrifices they had made and the services they provided, the Gurkhas were blatantly and persistently discriminated against by the British Army on account of their national origin. The most obvious example of such discrimination was at the economic level, in terms of pensions, redundancy payments, compensation for widows and divisive pay and promotion structures. They were also subject to religious discrimination, with the Hindu religion being imposed upon them although the majority of Gurkhas were followers of Buddhism, and they were not allowed the company of their spouses and children - a right granted to their British counterparts, who were also paid special benefits in the event of separation.

13. In 1999, the Nepali Parliament had concluded that the British Armed Forces' treatment of the Gurkhas was a flagrant violation of human rights based on nationality, and he called upon the Commission on Human Rights, and the Working Group on Minorities to take a bold stand against the British Government and to address the plight faced by the Gurkha soldiers of Nepal and their descendants.

14. Ms. BAUTISTA (Latin American Federation of Associations of Relatives of Detained-Disappeared Persons (FEDEFAM)) said that the Federation was deeply concerned about the rising tide of forced disappearances and grave violations of human rights and international humanitarian law in Colombia, and the increasing number of forced displacements over the past year. The poor rural population, including women and children, were the most affected. A primary cause of the displacements in Colombia, as the Representative of the Secretary-General on Internally Displaced Persons had indicated, was a deliberate strategy to "cleanse" regions of populations suspected of being sympathetic to armed opposition groups. Crimes were being carried out with such ferocity that people had no alternative but to flee. Impunity was another factor in the rapid increase in forced displacements, with countless orders for the capture of members and leaders of the paramilitary groups remaining unfulfilled. The victims often suffered a double violation: not only were they denied their civil, political, cultural, economic and social rights, but they were often forced to flee because of the forced disappearance of relatives and friends.

15. Although there were fewer forced displacements in Mexico, the situation there was also a matter for great concern, particularly as those affected again came from the poorest sectors of

society. Regrettably, the lack of legislative and political measures, and especially the continued militarization of indigenous and rural areas, were not conducive to any improvement in the situation. A further case was Guatemala, where the continuing difficulties faced by displaced persons, often the victims of State officials and paramilitary groups, remained a problem that had not been adequately dealt with by the Guatemalan authorities, and that should be addressed along the lines of the MINUGUA recommendations (United Nations Mission for the Verification of Human Rights in Guatemala).

16. In view of the lack of political will on the part of the States concerned, the international community should take decisive action regarding the legacies of the past and the problems of the present.

17. Ms. PHYU (International Peace Bureau) said that, while she welcomed the mandate of the Representative of the Secretary-General on Internally Displaced Persons (IDPs), and the work he had accomplished, there was still a long way to go to address those issues adequately. Although in her own country, Burma, there were approximately 2 million IDPs, more than half of whom belonged to ethnic minorities, their existence was denied by the ruling State Peace and Development Council (SPDC). The IDPs had been considered as enemies of the military after their rejection of the relocation sites they had been allocated. Their cities, lives, crops and belongings were systematically destroyed by fire, and landmines were planted where they hid their food. The situation they faced was one of the worst of any IDPs in the world and in one attack alone, on 1 April 2000, more than 4,000 had been forced to cross the border and take refuge in Thailand.

18. The Commission should call upon the SPDC to stop its atrocities against the internally displaced persons and respect and protect their human rights. Furthermore, since political change in Burma was required in order to address the social problems of that group, the SPDC should enter immediately into dialogue with the National League for Democracy and with the leaders of ethnic nationalities.

19. Ms. THI (Worldview International Foundation) said that members of certain minority groups automatically became targets of governments and were subject to many forms of discrimination. In Burma, for example, the minorities suffered several forms of social and cultural injustice in connection with the human rights violations sponsored or conducted by the SPDC. Ethnic nationalities were suffering all kinds of repression, such as a ban on the teaching of ethnic languages, which made it very difficult to pass on a cultural heritage to future generations. Minorities among minorities, such as religious groups, were also being persecuted. With regard to the situation of women in Burma, the Committee of Experts monitoring the Convention on the Elimination of All Forms of Discrimination against Women had requested the SPDC to include in its next report more information on the situation of women in as many ethnic minority groups as possible, and on the measures taken by the Government to protect and ensure their human rights under the Convention.

20. The fact that people belonged to minority groups did not give the ruling regime or Government the right to violate their human rights. The Universal Declaration of Human Rights would mean nothing to minorities unless their potential was fully recognized and their human

rights were respected. She therefore appealed to the Commission to question the violations of the human rights of minorities in countries like Burma, and to make Governments or ruling regimes accountable for any such violations.

21. Mr. SIDDIQUI (Asian Buddhist Conference for Peace) said that unity in diversity of cultures, ethnicity and language were of primary importance for the promotion of democracy. However, in Pakistan, the Mohajirs, the largest ethno-linguistic minority, were being subjected to repression, discrimination and isolation, having become the victims of the arrogance and hegemony of Punjabi leaders. The ruling apparatus of Pakistan, in which the Mohajirs hardly had any say, had devised means of contravening established human rights laws, practices and norms: for example, in 1999, the census figures had been manipulated to show the Mohajir population to be half of what it actually was.

22. His organization recommended that the Government of Pakistan cease its policy of repression, oppression and persecution of the Mohajir and Sindhi nations with immediate effect, withdraw the Punjabi forces and return to true democracy. Corrupt feudal and military rule in Pakistan should be ended and full autonomy granted to all the minority provinces. Political prisoners should be granted due process of law and the Sindhi issue should be resolved through meaningful and sincere dialogue.

23. Mr. CANNY (International Catholic Migration Commission), speaking on behalf of the Steering Committee of the Global Campaign for Ratification of the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families, welcomed the increasing attention being given to the protection of the human rights of migrants. All the Global Campaign's member organizations had begun to provide the Special Rapporteur on the human rights of migrants with material to assist her in fulfilling her mandate, and a particular effort was being made to gather reports on specific cases in different regions of the world.

24. The Steering Committee was a unique alliance of concerned international inter-governmental and non-governmental organizations that had been formed to promote the entry into force of the 1990 Convention. Given the deterioration in the treatment of migrants and other foreigners in numerous places in the world, there was a more urgent need than ever for the wider adoption of the instrument protecting migrants, who were particularly at risk as they did not enjoy the same protection as the nationals of the countries they lived in. The Steering Committee was frustrated by the slow pace of ratification and the lack of resources made available to promote and monitor respect for the human rights of migrants. Those rights were furthered not only through legal standards, but also through other means, including political and educational institutions and the media.

25. The Steering Committee therefore welcomed the proposal by the working group of intergovernmental experts on the human rights of migrants to designate 18 December as International Migrants Day. It also attached great importance to the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which would offer an unprecedented opportunity to combat discrimination and promote equitable treatment for all.

26. Mr. SUN Zhonghua (China Disabled Persons' Federation) noted that less and less importance had been paid to disability by the United Nations and some Member States since the United Nations Decade of Disabled Persons had ended in 1992. Disabled persons were a very vulnerable group and the problem of marginalization had still to be addressed. While the Standard Rules on the Equalization of Opportunities for Persons with Disabilities were to be welcomed, as were the Special Rapporteur's efforts in that connection, the Rules were not binding, and an international convention was needed to protect the rights of persons with disabilities. At the world NGO Summit on Disability held earlier in the year, the United Nations had been strongly urged to take steps in that regard. However, during the discussions regarding a resolution on disability at the thirty-eighth session of the Commission for Social Development, the representative of the United States had taken a surprising stance, repeatedly opposing the inclusion of wording to request the Special Rapporteur to explore further the possibility of a convention.

27. According to statistics, more than 650 new cases of mental illness in China had been caused by the practice of Falun Gong, a source of serious concern to his organization. The head of the Falun Gong cult violated human rights by engaging in mind control, and the China Disabled Persons' Federation had been surprised to find that such a cult had been used as an excuse to attack the human rights situation in China.

28. Mr. ALI KHAN (World Federation of Trade Unions) said that the condition of minorities in States founded and run in the name of a religion was often becoming unbearable in the modern world. Pakistan, for example, was becoming an increasingly closed, inward-looking State, where anyone outside of the Muslim mainstream was treated as a second class citizen. The plight of its Ahmadi, Christian and Hindu people was continuing to worsen. Religious minorities were not permitted to vote as part of an integrated electorate, according to a system, that maintained the segregation of Muslims and non-Muslims and ensured that minorities remained without effective representation in the administration. Moreover, the upkeep of the Hindu shrines in Sind, where 96 per cent of Pakistan's 1.2 million Hindus were concentrated, was unsatisfactory, partly because of lack of funds, but largely because of encroachment by Muslims; a number of such shrines were believed to have been converted into mosques.

29. The Commission on Human Rights, in its resolution on minimum humanitarian standards (E/CN.4/1998/L.50), had recognized the desirability of identifying fundamental standards of humanity applicable in all situations. He trusted that Pakistan would undertake to implement its international commitments in that regard.

30. Mr. SAINI (International Institute for Peace) said that the real test of a State's commitment to human rights was to provide a safe existence for religious and cultural minorities. Unfortunately, many States were failing that test and were instead supporting religious fundamentalism and extremism, making minorities as well as secular-minded citizens vulnerable, particularly as fundamentalism often encouraged terrorism. Although fundamentalism was by no means confined to Islam, those engaged in the jihad presented a serious threat to minorities. Islam was a religion of compassion, justice and equality, yet it had been projected by self-styled leaders and warlords as an emblem of defiance, intolerance and

crude militancy. War against fundamentalism and extremism could not be waged in isolation. The only way for the international community to contain the Islamist's threat and protect minorities was by giving greater powers to the human rights mechanisms of the United Nations.

31. Mr. GILANI (World Society of Victimology) recalled that, in connection with its consideration of human rights situations that caused or threatened to cause mass exoduses or displacements, the United Nations had instructed India and Pakistan to ensure that all citizens of Kashmir should be free to return, and to exercise all their rights as citizens. Unfortunately, those two nations had failed in their obligation towards five generations of refugees and it was ironic that since 1990 the trouble in Jammu and Kashmir had affected all communities, causing the loss of homes and many displacements.

32. The Commission should request the Representative of the Secretary-General on Internally Displaced Persons to respond to the displacements in Jammu and Kashmir. In the light of India's and Pakistan's obligations the Commission should also request the Secretary-General and the High Commissioner for Human Rights to ensure that the two United Nations commissions composed of nominees from India and Pakistan respectively were established to deal with the situation of displaced persons in Kashmir. Furthermore, India and Pakistan should be encouraged and assisted to take tangible steps to alleviate the suffering of the people of Kashmir. In order to arrest the stream of displacement, it was important for Kashmiri citizens to be involved in the conduct of public affairs. The United Nations had a role to play in ensuring that a Government comprising the principal political elements in Kashmir should take all possible measures to make it known that peace, law and order would be safeguarded.

33. Mr. LITTMAN (Association of World Citizens) said that the ancient Jewish community of the Islamic Republic of Iran was in grave danger of destruction as a religious group. Thirteen Jews accused of espionage were currently awaiting a trial that had recently been postponed once again, and although eight Muslims were also facing the same charges, no outside observers or lawyers were permitted. Furthermore, 10 of the Jews had not had any access to lawyers since their arrest, despite the fact that under Islamic law, protected minorities were supposed to be granted civil rights and freedom from persecution. In a time of change and public debate on the nature and aims of the Islamic Republic of Iran, he called on the Commission to act upon its resolution E/CN.4/RES/1999/13 on the situation of human rights in the Islamic Republic of Iran in order to improve the situation of minorities in that country, and particularly that of the Jews.

INDIGENOUS ISSUES (agenda item 15) (E/CN.4/2000/84-86; E/CN.4/2000/NGO/11, 16, 37, 39, 83, 100, 120 and 128; A/54/487 and Add.1; E/CN.4/Sub.2/1999/18-20; E/CN.4/Sub.2/AC.4/1999/4 and 6)

34. Mr. WILLE (Chairperson-Rapporteur of the open-ended inter-sessional ad hoc working group on a permanent forum for indigenous people), introducing his report (E/CN.4/2000/86), recalled that the mandate of the working group, as contained in Commission on Human Rights resolution 1999/52, was to submit one or more concrete proposals on the establishment of a permanent forum for consideration by the Commission at its current session. The working group's second session, which had been held from 14 to 23 February had been conducted in an open and constructive spirit. There had been broad support for the working group to recommend

the establishment of a forum for indigenous peoples as a subsidiary body of the Economic and Social Council. There were, however, differing views regarding the name of the forum; indigenous participants proposed "permanent forum for indigenous peoples", while some Governments preferred "permanent forum on indigenous issues".

35. There had been support for the idea that the forum should have a mandate to discuss indigenous issues addressed by the Economic and Social Council and the themes of the International Decade of the World's Indigenous People. Representatives had expressed the view that the forum should be an advisory body with members serving in their personal capacity and should promote coordination of the United Nations activities relating to indigenous issues. Membership should be divided equally between government nominees and indigenous representatives, although there were differing views on how the latter were to be selected. There was broad agreement that the forum should be financed from the Regular Budget of the United Nations and that voluntary contributions should also be sought. Further discussion was required on some issues, such as the size of the forum, the length of its annual sessions and its rules of procedure.

36. The establishment of a permanent forum for indigenous peoples would not only fulfil one of the goals of the International Decade of the World's Indigenous People, but would also add worth to the work of the United Nations and provide a welcome opportunity for Governments, indigenous peoples and the United Nations specialized agencies to work together.

37. Mr. CHAVEZ (Chairperson-Rapporteur of the working group established in accordance with Commission on Human Rights resolution 1995/32), introducing his report (E/CN.4/2000/84), pointed out that the terms "indigenous peoples" and "indigenous populations" had been used synonymously in the text without prejudice to the different views expressed concerning those terms. The session had taken place in a more positive atmosphere than in the past, and the frank and open discussions had initially focused on draft articles 15-18. Views on those draft articles differed, and Annexes I and II of the report contained proposals submitted for future discussion by Governments and indigenous representatives respectively, the latter proposals being consistent with the draft text used as a basis for the group's work. Although it had not been possible to adopt formally any of those articles, much progress had been made in the discussions, thanks partly to greater participation by Government delegations. The experience gained should serve as a basis for the organization of future work.

38. It appeared advisable for the future, however, to leave consideration of draft articles 15-18, on which as much progress as possible had been made, and to concentrate on other articles that had been considered on a preliminary basis in previous sessions. Participants should remain in contact prior to the next session in order to exchange views and for the session to be successful, participants should bear in mind the need to maintain a constructive approach. Any specific suggestions for improving the original draft texts would be welcome with a view to reaching a genuine consensus. Efforts should be intensified to ensure that as many Governments and indigenous representatives as possible participated in the working group, and Governments and non-governmental organizations should act to ensure the attendance of a high number of indigenous representatives, in particular by supporting the Voluntary Fund for the International Decade of the World's Indigenous People.

39. Ms. TAULI-CORPUZ (Chairperson, Board of Trustees, United Nations Voluntary Fund for Indigenous Populations), noting that the latest information concerning the Fund was contained in documents A/54/487 and Add.1, and E/CN.4/AC.4/1999/6, said that thanks to the donations to the Fund, it had been possible to help indigenous representatives to participate in the working group on indigenous populations, the working group on the draft declaration on the rights of indigenous peoples, and in the working group on the establishment of a permanent forum. In 1999, a total of 90 travel grants had been approved to enable indigenous representatives to attend meetings and another 34 in 2000, with a further 160 applications under consideration. The presence and active participation of indigenous persons in the Commission's bodies dealing with indigenous issues had created a healthy environment for dialogue between governments and indigenous peoples - the first step towards the achievement of justice and development for peoples long oppressed and marginalized. Donors were to be thanked for their support, which had made it possible to cover expenditure for 2000. New contributions of approximately US$ 600,000 would be needed to cover expenditure planned for 2001.

40. Mr. DODSON (Chairperson, Advisory Group, United Nations Voluntary Fund for the International Decade of the World's Indigenous People), noting that detailed information on the Fund's situation could be found in documents E/CN.4/Sub.2/AC.4/1999/4, A/54/487 and E/CN.4/2000/85, announced that the Fund had been able to double the number of projects financed from 12 in 1997 to 24 in 1999. In accordance with Commission on Human Rights resolution 1997/32, it had also financed the organization of a workshop on higher education and indigenous peoples in Costa Rica in 1999. At its current session, the group was analysing 60 projects received from indigenous communities and organizations and would be making recommendations for approval of project grants up to a total of US$ 150,000. Taking into account all contributions and pledges, it was hoped the Fund would have sufficient resources to cover all its activities for the current year, which included a second workshop for indigenous journalists, two sub-regional seminars in Africa on indigenous issues, and a two-day workshop on indigenous children.

41. Mr. SFEIR-YOUNIS (Observer for the World Bank) said that the World Bank was assisting many countries to improve the welfare of their indigenous peoples. Having recognized the importance of cultural sustainability, the World Bank had developed a safeguard policy for all the projects it financed. That policy sought to ensure that any project relating to indigenous peoples had to be linked to development and poverty reduction; that legal measures were taken to protect the rights of indigenous peoples to their land, cultural, religious and sacred values and use of natural resources; that indigenous peoples were fully informed of the potential impact of any project involving their land and were consulted prior to any such project; and that the knowledge and culture of indigenous peoples was respected.

42. The establishment of a permanent forum for indigenous peoples within the framework of the Economic and Social Council would be a major step forward. It would be a mistake not to embrace the knowledge of indigenous peoples for the creation of a sustainable, integrated and global society. Indigenous peoples would contribute actively to the discussions, and the forum might be the only place where such persons could participate in deliberations at international level. It was essential to reconcile progress with the fundamental notions of life on earth as

portrayed in the societies of indigenous peoples. Indigenous cultures, their societies and knowledge were central to the Bank's efforts on social inclusion, and the Commission's support was central to the success of the Bank's mission.

43. Mr. BELIZ (Observer for Panama), speaking on behalf of the Central American Group, said that the countries of that Group attached great importance to indigenous issues, in view of their multi-ethnic background. At the regional level, efforts were being made to increase the participation of indigenous peoples in all areas of society and to recognize their identities and cultures. At the international level, the establishment of a permanent forum for indigenous peoples was essential to facilitate the participation of indigenous peoples in the United Nations system. The mandate of the ad hoc working group should be revised once the forum had been set up to enable it to continue to function. The development of standards to protect the rights of indigenous peoples was fundamental to those populations, and the Central American Group was an active participant in the working group established to elaborate a draft declaration on the rights of indigenous peoples. The international community was urged to continue to provide financial support to the Voluntary Fund for Indigenous Populations. Meanwhile, Panama itself remained firmly committed to the effective integration of indigenous peoples and to the full recognition of their rights.

44. Mr. RAJA NUSHIRWAN (Observer for Malaysia), emphasizing the importance his country attached to indigenous issues, said that Malaysia's own indigenous peoples had regained their self-esteem and were progressive enough to embrace the future while respecting the past. Although progress had been made, his country was concerned that the discussions on a draft declaration on the rights of indigenous peoples had not yet been completed, and substantive progress should be achieved in the forthcoming discussions in order to justify the costs incurred. In that connection, it was essential to establish whether the draft declaration was to constitute a standard to be worked towards, or a minimum standard to be applied, since it should not seek to do both. Also, it was important to decide whether the draft should be adopted unchanged or with modifications. The issue of definitions should not stand in the way of progress on other articles, and Malaysia would be prepared to accept draft article 3 on self-determination as it was currently worded.

45. It was regrettable that more progress had not been made on the establishment of a permanent forum. The working group established should not discuss issues that were not directly related to the question at hand. The mandate of the forum should be such as to enable it to consider issues addressed during the International Decade of the World's Indigenous People, such as human rights, environment, health and education. Also, the method of selecting indigenous representatives and the mechanisms to be used to pass information on to the indigenous peoples should be the subject of further discussion.

46. Ms. SOOVALI (Observer for Estonia) said that the rights of indigenous peoples continued to be at risk in many parts of the world, and Estonia welcomed the growing consensus on the need to establish a forum for indigenous peoples that would contribute significantly to achieving the objectives of the International Decade of the World's Indigenous Peoples. It also welcomed the spirit of compromise that had prevailed in the working group's deliberations. The forum should be able to discuss all issues affecting indigenous peoples, carry out studies, make recommendations to the Economic and Social Council, promote coordination of the activities

related to indigenous issues within the United Nations system, and define development strategies for indigenous peoples. She hoped that the permanent forum could be established as a subsidiary body of the Council during the International Decade of the World's Indigenous Peoples as a means of furthering the objectives of the Decade in partnership between Governments and indigenous representatives.

47. Mr. FARRELL (Observer for New Zealand) said that a major priority of the new Government in New Zealand was to close the gap between Maori and non-Maori and to provide greater opportunity for Maori development; a cabinet committee chaired by the Prime Minister herself had been set up for that purpose. The Treaty of Waitangi, the founding document of the New Zealand nation State, continued to guide both the Maori and the Government in their dealings with one another. The Government had made significant progress in settling claims arising from historical breaches of that Treaty, and redress totalling more than $NZ 500 million had been provided to date. Furthermore, in celebration of the International Decade of the World's Indigenous Populations, the New Zealand Government had established a decade fund focusing on projects promoting the development of the Maori language. It had also reviewed its position on ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and was considering the implications of ratification.

48. At the international level, New Zealand contributed regularly to United Nations voluntary funds and to the Indigenous People's Centre for Documentation, Research and Funding. Although progress on the draft declaration on the rights of indigenous peoples had been slow, New Zealand had been encouraged by the increasing level of participation by States and the more open dialogue between States and indigenous representatives, and it called on all participants to intensify their negotiating efforts in good faith. It had also been encouraged by the progress made on the issue of a permanent forum for indigenous peoples, and strongly hoped that the Commission on Human Rights would endorse the principle of establishing such a forum at its current session. At the midpoint of the International Decade of the World's Indigenous Peoples, much had been accomplished, but there was still much to be done to achieve the objectives of strengthening international cooperation to solve the problems faced by indigenous peoples, a goal to which New Zealand was firmly committed.

49. Mr. LEHMANN (Observer for Denmark), speaking on behalf of the Nordic countries, commended the United Nations High Commissioner for Human Rights for her constructive work as coordinator of the International Decade of the World's Indigenous Peoples. The activities undertaken thus far within the framework of the Decade had served to increase awareness of the specific problems encountered by indigenous peoples and the need for solutions at the national, regional and global level. The voluntary funds established had enabled indigenous representatives to attend United Nations meetings on indigenous issues, thereby furthering dialogue with governments, and should be actively supported.

50. It was to be hoped that concrete results on issues such as the establishment of a permanent forum for indigenous peoples within the United Nations system and the drafting of a declaration on the rights of indigenous peoples could be achieved before the end of the International Decade. The recent meetings of the ad hoc working group on a permanent forum had been very constructive and a point had now been reached where concrete action could be

considered. With regard to the declaration, it was important to build on the consensus emerging among Governments and indigenous peoples in the working group by accommodating the reasonable concerns of interested parties, while at the same time respecting the spirit of the draft declaration.

51. Mr. ZOZULIA (Observer for Ukraine), said that the adoption of a draft declaration on the rights of indigenous peoples and the establishment of a permanent forum for indigenous peoples were two key objectives of the International Decade. Ukraine had always recognized the need for the classification of ethnic groups to facilitate national policies protecting the rights of national minorities and indigenous peoples. The draft declaration on the rights of indigenous peoples should distinguish between at least two categories of indigenous entities: those leading an isolated, tribal way of life and those integrated with the rest of society. Ukraine fully agreed that use of the term "peoples" in the declaration would have no implications regarding the right of self-determination or any other rights that might be attributed to that term under international law. The draft declaration should include provisions to prohibit any actions designed to impair the territorial integrity, political unity and stability of sovereign States, and the working group on the draft declaration should avoid excessive politicization in its future work.

52. One of the most urgent tasks awaiting the Ukrainian Government was to ensure the peaceful return of those forcibly deported from Ukraine over 50 years ago and their integration into society, without infringing on the rights of the country's existing residents. His delegation finally noted the activities of the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights in searching for peaceful solutions to situations involving indigenous peoples.

53. Mr. ALFRED (Observer for South Africa) said that South Africa was embarking upon systematic consultative accommodation of its indigenous peoples. The new post-apartheid Constitution extended equal rights to all citizens, and specific steps were being taken to promote indigenous languages. It also provided for the establishment of a statutory commission for the promotion and protection of the rights of cultural, religious and linguistic communities. Practical measures including land restitution and compensation to indigenous communities were being implemented by the South African Government to give effect to the new legislative provisions.

54. At the international level, South Africa hoped to contribute increasingly to the progressive and constructive consideration of indigenous issues within the United Nations system. It supported the efforts being made on the draft declaration on the rights of indigenous peoples and on the establishment of a permanent forum for such peoples, as both initiatives were important to ensure that the principles of human rights were universally applied and that the fundamental rights and freedoms of indigenous populations were recognized and protected. It also looked forward to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which would offer an ideal opportunity to highlight the impact of racial discrimination on indigenous peoples and the legacy of marginalization and discrimination they faced.

55. Mr. FOUX (Observer for Switzerland) said that Switzerland hoped that tangible results would be achieved in the near future on the draft declaration on the rights of indigenous peoples, since the only universal instrument affording them protection was the ILO Indigenous and Tribal

Peoples Convention, 1989 (No. 169), the principles of which had recently been incorporated into the Swiss cooperation for development programme. A permanent forum for indigenous peoples under the auspices of the Economic and Social Council would enable representatives of Governments and indigenous peoples to discuss matters such as sustainable development and the rights of indigenous communities, and would help to coordinate activities concerning indigenous issues carried out in the United Nations system. Geneva would provide an ideal location for the permanent forum in view of the large number of organizations there dealing with indigenous issues and Switzerland would continue to assist indigenous representatives to attend meetings in Geneva. It hoped that the permanent forum would soon become a reality, and would be prepared to make a practical contribution to enable the forum to begin its work as soon as possible.

56. Ms. CASSAM (United Nations Educational, Scientific and Cultural Organization) said that UNESCO had always demanded the right of indigenous peoples to human dignity and had always recognized the value and diversity of indigenous cultures. Her organization was endeavouring to raise awareness of the problems faced by indigenous peoples, such as marginalization and the abuse of their most basic human rights, and to encourage those people to defend themselves. Its work included a programme for recognition of indigenous languages throughout the world and a study of the internal migrations of indigenous peoples in five Latin American countries and their impact on educational demands in large populated areas.

57. UNESCO was undertaking work to promote the human rights of indigenous peoples by, inter alia, campaigning against discrimination affecting vulnerable groups. In addition, it was actively involved in work to recognize the value of the knowledge of indigenous peoples, and its programme "Man and the Biosphere" was focusing on areas that included natural resources, the rights of indigenous peoples and biosphere reserves. It aimed to support the emergence of indigenous cultural identities and to protect their heritage. In its view, there was no contradiction between modern living and respect for the traditions of the past. Accordingly, it was feasible to seek the broadest possible access for indigenous peoples to new technologies while preserving and disseminating their traditional knowledge. Such knowledge was not only a heritage of the past; it also offered solutions for the future, particularly in the medical and pharmaceutical fields, and would help to redefine man's relationship with nature. UNESCO was looking forward impatiently to the establishment of a permanent forum for indigenous peoples.

The meeting rose at 11.45 p.m.